

6 Attorneys for Defendant
Jose Torres L.D. Latin Club Bar, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

10 Jane Roe, on behalf of herself and all others similarly situated,

CASE NO.:

Plaintiff,

V.

Jose Torres L.D. Latin Club Bar, Inc dba; Hanky Panky Club; and Does 1-200,

Defendant.

**(ORIGINALLY FILED IN SUPERIOR
COURT OF CALIFORNIA FOR THE
COUNTY OF SAN MATEO, CASE NO. 17-
CIV-05530)**

**DEFENDANT JOSE TORRES L.D. LATIN
CLUB BAR, INC's.(DBA HANKY PANKY
CLUB) NOTICE OF REMOVAL UNDER 28
U.S.C. §§ 1331, 1441, 1446.**

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF CALIFORNIA

PLEASE TAKE NOTICE that defendant Jose Torres L.D. Latin Club Bar, Inc., dba; Hanky Panky Club; (“*Jose Torres L.D.*”). removes to this court the San Mateo County California Superior Court Action NO.: 17-CIV-05530 described below.

1. On December 4, 2017 an action was commenced in the Superior Court of California for the
County of San Mateo entitled “Jane Roe, on behalf of herself and all others similarly situated, v. Jose
Torres L.D. Latin Club Bar, Inc dba; Hanky Panky Club; Case No. 17-CIV-055302.

2. On or about September 9, 2019 , Plaintiff moved the state court for permission to file a Second Amended Complaint, which the court granted. Plaintiffs filed her Second Amended

Complaint on September 10, 2019, which for the first time added as a Fifth Cause of Action a claim under the federal Fair Labor Standards Act (FLSA), asserting that Defendant *Jose Torres L.D* failed to pay minimum wages as required by the FLSA . A copy of the Second Amended Complaint is attached to this Notice as Exhibit A and is incorporated by reference.

3. Defendant was served with a copy of the Second Amended Complaint on or about September 19, 2019 by mail. Plaintiff filed a Proof of Service with the San Mateo County Superior Court averring that a copy of the Second Amended Complaint was served on September 19, 2019. A copy of that Proof of Service is attached to Exhibit A to this Notice.

4. This action is a civil action of which this court has original jurisdiction under [28 U.S.C.A. § 1331](#), and is one which may be removed to this court by defendant pursuant to the provisions of [28 U.S.C.A. § 1441\(a\)](#) in that one of the claims against Jose Torres L.D arises under the Fair Labor Standards Act, 29 U.S.C. 216, et seq.

5. This Notice of Removal is effected properly and timely pursuant to 28 U.S.C. § 1446(b).

6. Venue is proper in this District pursuant to 28 U.S.C. § 1441(a) because the Superior Court where the removed case was pending is located within the District.

7.. In accordance with 28 U.S.C. §1446(d), the undersigned counsel certifies that a copy of this Notice of Removal and all supporting papers will be promptly served on Plaintiff's counsel and filed with the Clerk of the Superior Court for the County of San Mateo. Therefore, this Notice of Removal is timely and all procedural requirements under 28 U.S.C. § 1446 have been satisfied.

THEREFORE, Jose Torres L.D requests that this action be removed from the Superior Court of California for the County of San Mateo to this court.

Dated: September 17, 2019

By /s/ Mark I. schickman
Mark I. Schickman

Atorneys for Defendant
Defendant Jose Torres L.D. Latin Club Bar, Inc.